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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,358	10/30/2001	Eiji Kawai	09812.0484-00000.	2712

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EXAMINER

PHAN, THANH S

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/020,358

Applicant(s)

KAWAI, EIJI

Examiner

Thanh S. Phan

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 26-32 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 26-32 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 12, 26-32, 35, 36, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto et al. [US 6,889,246] in view of Hepp et al. [US 6,449,219].

Regarding claims 1, 8. Kawamoto et al. disclose a system for distributing information and processing information [figure 1], said system comprising: a plurality of hand held terminal devices [31, 47] that acquire and process the information, an information distribution apparatus [column 1, lines 35-37] for distributing the information to the plurality of hand held terminal devices; and display means [31I] for displaying the information on the plurality of hand held terminal devices; and wherein the information distribution apparatus distributes additional information [figure 1, cable inf, radio inf, broadcast inf]. comprising advertisement information to the plurality of hand held terminal devices at the same time as the watch information so that the additional information is displayed on a portion of the display means of the plurality of hand held terminal devices.

Kawamoto et al. disclose a system as claimed for transmitting/distributing various information, but not explicitly wherein the information is displayed on the display means

of the plurality of hand held terminal devices as a video image that depicts at least a current time, and the additional information being an advertisement information.

Hepp et al. disclose a system/device that transmitting/distributing of watch information [column 3, lines 7-8] to a terminal device/timepiece [figure 1] with additional information [column 4, lines 59-60] is displayed on a display [1] as video images [column 1, lines 61-63].

Since Kawamoto et al. and Hepp et al. are both from the same field of endeavor, the purpose disclosed by Hepp et al. would have been recognized in the pertinent art of Kawamoto et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the watch information and other information as taught by Hepp et al. with the system/device of Kawamoto et al. for the purpose of presenting a unique and personalized time display sequence on a display device. Furthermore, since Hepp et al. teach that additional information is displayed, the content of the additional information could be of an advertisement and/or of a desired information that the user want to display.

Regarding claim 2. Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the handheld devices comprising a memory card [11's] capable of storing and/or carrying information and insertable into the handheld device.

Regarding claims 3, 14. Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the information is distributed as data

to the plurality of hand held terminal devices by using existing broadcast infrastructure and/or communication infrastructure [figure 1].

Regarding claim 4. Kawamoto et al. and Hepp et al. disclose the claimed invention. Hepp et al. further disclose wherein the watch information comprises at least video image information of a clock character board [figure 1; and column 1, lines 61-63].

Regarding claim 5. Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the plurality of hand held terminal devices [31] comprise: an operating section [CPU 31A] operated to input operational information concerning the information; a receiving section [31E] that receives the information; a storage device [31B, MC] that stores the information received by the receiving section; and a control unit [31A] that reads out the information from the storage device according to the operational information.

Regarding claim 6. Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein the plurality of hand held terminal devices are hand held telephone sets [31] that comprise: a tuner [31E] that receives information from a broadcast station; a storage device [31B, MC] that stores the information received by the tuner; a data processing section [CPU 31A] that reads out and processes the watch information stored in the storage device; and a hand held telephone function controlled by the data processing section.

Regarding claim 7. Kawamoto et al. and Hepp et al. disclose the claimed invention. Kawamoto et al. further disclose wherein an information provider records the information in an information recording medium [memory card MC], and provides the

information to a user, and wherein the user mounts the information recording medium on a hand held terminal device, to use the information via the recording medium [illustrated in figure 1].

Regarding claims 9, 11. Kawamoto et al. and Hepp et al. disclose the claimed invention. Hepp et al. further disclose wherein time information provided by an information provider is distributed as data to a user, so that the user is able to correct the watch information managed by the plurality of hand held terminal devices based on the time information received from the information provider [column 3, lines 5-15].

Regarding claim 12. Kawamoto et al. and Hepp et al. disclose the claimed invention. Hepp et al. further disclose wherein a video image associated with a season is automatically displayed on the display means of the plurality of hand held terminal devices [column 3, line 11].

Regarding claims 26-32, 35, 36 and 38. The method steps are necessitated by the apparatus structures as disclosed in the above claims.

Claims 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto et al. and Hepp et al. as applied to claims 1 and 26 above, and further in view of Lim [US 6,628,974].

Regarding claim 13. Kawamoto et al. and Hepp et al. disclose the claimed invention except for wherein the plurality of hand held terminal devices [cell phone 31] are a foldable type, and an opening angle of the plurality of hand held terminal devices is adjusted according to a user's preference.

Lim discloses a hand held device is a foldable type [figure 5].

Since Kawamoto et al., Hepp et al, and Lim are from the same field of endeavor, the purpose disclosed by Lim would have been recognized in the pertinent art of Kawamoto et al. and Hepp et al.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the foldable design of Lim with the device of Kawamoto et al., as modified, for the purpose of providing components protection.

Regarding claim 37. The method steps are necessitated by the apparatus structure disclosed as in claim 13.

Response to Arguments

Applicant's arguments filed 08/01/07 have been fully considered but they are not persuasive. The applicant argues that Kawamoto and Hepp, when taken alone or in any proper combination, fail to teach or suggest each and every element of Applicant's claims, specifically the underlined limitations on page 3 of the REMARKS. The examiner agrees with the applicant that Kawamoto/Hepp alone does not disclose additional information being distributes to the plurality of hand held terminal devices. However, the combination of Kawamoto and Hepp disclose the invention as claimed. As disclosed in the above rejections and acknowledged by the applicant on page 4 of the REMARKS. Hepp discloses wherein additional information in conjunction with the time of the day. The applicant has emphasized that Kawamoto and Hepp fails to disclose the the additional information as "advertisement information". The applicant has not defined/claimed what is meant by "advertisement". The examiner would like to include a

definition for "advertisement" from the Webster's Collegiate Dictionary, Tenth Edition (page 18)

advertisement: "the act or process of advertising"; advertise: "to make something known to".

Under the current definition, additional information as disclosed by the combination of Kawamoto and Hepp and make known to the plurality of hand held terminal devices users reads on the "advertisement information" of the applicant. Furthermore, where the device(s) have the capability for displaying information, the contents of the information being displayed do not make the device patentable. For the foregoing reasons, the claims continue to be anticipated by the combinations of the Kawamoto reference. Accordingly, the examiner's rejection is upheld.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tsp


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